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10/060,024	01/31/2002	Sang Woong Lee	PO246-1/US/PCT	4928

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EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,024

Applicant(s)

LEE ET AL.

Examiner

Shay L Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Priority has been claimed for the international application PCT/KR01/01068, Korean Patent application 2000-34738 and Korean Patent application 2000-36350. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 4 is objected to because of the following informalities: Claim 4 reads, "the silicon washing brush is made of the silicon." It is assumed that a silicon brush is made from silicon and therefore it is redundant and is unnecessary to state this obviousness in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the shape of the inner peripheral surface" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the outer surface" in line 10. There is insufficient antecedent basis for this limitation in the claim.

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Claim 1 recites the limitation "the lower end portion" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the upper end" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the upper portion" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the silicon washing brush" in lines 4-8. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the silicon washing brush" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the silicon " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Berg (USPN 982566).

Berg teaches a brush for washing a nursing bottle comprising a support member (4), which is unfolded to fit the shape of the inner peripheral surface of a nursing bottle by maintaining the inner side of the curved portion. There is a washing brush (9) attached to the outer surface and the lower end of the of the support member. The brush can expand and

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contract according to the resilient operation of the support member (fig 1). A cap (15) is inserted into an opening portion of the nursing bottle with the upper end of the support member fixed and rotated to the right and left by a user.

7. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Batch (USPN 5709003).

Batch teaches a brush for washing a nursing bottle comprising a support member (42), which is unfolded to fit the shape of the inner peripheral surface of a nursing bottle by maintaining the inner side of the curved portion. There is a washing brush (44) attached to the outer surface and the lower end of the of the support member. The brush can expand and contract according to the resilient operation of the support member (fig 4). A cap (32) is inserted into an opening portion of the nursing bottle with the upper end of the support member fixed and rotated to the right and left by a user. There is a circular rotating member (14) installed in the cap and the upper portion of the support member is attached to the rotating member. A knob (16) is bent vertically with respect to the direction of the rotary shaft and is protruded to the upper portion of the cap.

8. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker (USPN 1622900).

Becker teaches a brush for washing a nursing bottle comprising a support member (3), which is unfolded to fit the shape of the inner peripheral surface of a nursing bottle by maintaining the inner side of the curved portion. There is a washing brush (7) attached to the outer surface and the lower end of the of the support member. The brush can expand and contract according to the resilient operation of the support member (fig 1). A cap (17) is inserted

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into an opening portion of the nursing bottle with the upper end of the support member fixed and rotated to the right and left by a user. There is a circular rotating member (1) installed in the cap and the upper portion of the support member is attached to the rotating member. A knob (16) is bent vertically with respect to the direction of the rotary shaft and is protruded to the upper portion of the cap.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Myszkowski (USPN 2420260).

Myszkowski teaches a brush for washing a nursing bottle comprising a support member (22), which is unfolded to fit the shape of the inner peripheral surface of a nursing bottle by maintaining the inner side of the curved portion. There is a washing brush (29) attached to the outer surface and the lower end of the of the support member. The brush can expand and contract according to the resilient operation of the support member (fig 1). A cap (13) is inserted into an opening portion of the nursing bottle with the upper end of the support member fixed and rotated to the right and left by a user. There is a circular rotating member (21) installed in the cap and the upper portion of the support member is attached to the rotating member. A knob (16) is bent vertically with respect to the direction of the rotary shaft and is protruded to the upper portion of the cap. There is at least one hole (not labeled but best shown on fig 2) on the support member and an insertion boss on the washing brush so that the washing brush is detachably attached to the support member.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (USPN 982566) in view of Kweon (USPN 6067684), Batch (USPN 5709003) in view of Kweon (USPN 6067684), Becker (USPN 1622900) in view of Kweon (USPN 6067684) and Myszkowski (2420260) in view of Kweon (USPN 6067684).

Berg, Batch, Becker and Myszkowski all disclose the claimed invention except for the washing brush made from silicon. Kweon teaches a brush, wherein the bristles are made from silicon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use silicon as a material for the wash brush, because it prevents scratching while providing a high polishing power to effectively remove foreign substances and food. Additionally, it would have been obvious to use silicon as the material since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

slb

August 8, 2003